



TRANSMITTAL LETTER			Case No. 10338/11
Serial No. 2/612,720	Filing Date July 2, 2003	Examiner Unassigned	Group Art Unit 2841
Inventor(s) Ludwig Böge et al.			
Title of Invention METHOD AND DEVICE FOR ATTACHING A SCALE ELEMENT			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Information Disclosure Statement; PTO 1449 along with five (5) cited references; Postcard Evidencing Receipt.

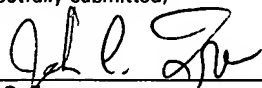
- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9 =			x \$18 =	
x 43 =			x \$86 =	
+ \$145 =			+ \$290 =	
Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
John C. Freeman  
Registration No. 34,483  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

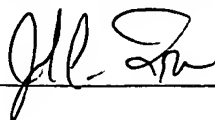
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 10, 2004.

Date:

February 10, 2004

Signature:





I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450  
Alexandria, VA 22313-1450 on February 10, 2004

Name of Registered Representative:

John C. Freeman  
John C. Freeman, Reg. No. 34,483  
February 10, 2004  
Date of Signature

PATENT  
CASE NO. 10338/11

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
)  
Ludwig Böge et al. )  
) Group Art Unit: 2841  
)  
Serial No.: 10/612,720 )  
) Examiner: unassigned  
Filed: July 2, 2003 )  
)  
For: METHOD AND DEVICE FOR )  
ATTACHING A SCALE ELEMENT)

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for consideration by the Examiner. Copies of the references are enclosed along with a completed copy of Form PTO-1449.

## **I. DISCLOSURE**

### **A. U.S. Patents**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
5,063,685	Morrison et al.	11/12/91
6,049,992	Freitag et al.	04/18/00

### **B. Foreign Patents**

<b><u>Reference No.</u></b>	<b><u>Country</u></b>	<b><u>Pub. Date</u></b>
0 388 453 B1	EP	06/02/93
197 00 367 C2	Germany	07/01/99

### **C. Literature**

1. Heidenhain Company Brochure entitled "NC-Längenmeßsysteme" (NC Linear Measuring System), published by Heidenhain, September, 1998, pp. 58-59.

## **II. DISCUSSION**

### **A. German Patent Reference No. 197 00 367**

The pertinence of the '367 patent reference is discussed at page 2 of Applicants' Specification. Based solely on the drawings and the attached English-language Abstract, the '367 patent reference appears to disclose a method of aligning a tape measure of a length measuring system. It is believed that the '367 patent reference corresponds to U.S. Patent No. 6,049,992.

### **B. Heidenhain Brochure**

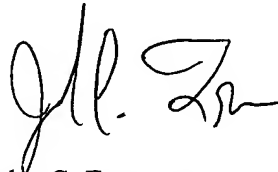
The pertinence of the Heidenhain brochure is discussed at page 2 of Applicants'

Specification.

### III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

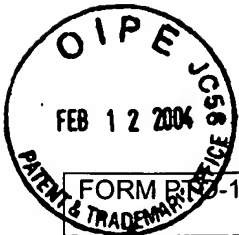
Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.C. Freeman", is written over the typed name.

John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: February 10, 2004



FORM PTO-1449

SERIAL NO.

10/612,720

CASE NO.

10338/11

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT**

FILING DATE

July 2, 2003

GROUP ART UNIT

2841

(use several sheets if necessary)

APPLICANT(S): Ludwig Böge et al.

**REFERENCE DESIGNATION****U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	5,063,685	11/12/1991	Morrison et al.		
	A2	6,049,992	04/18/2000	Freitag et al.		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A3	0 388 453 B1	06/02/1993	EP		No
	A4	197 00 367 C2	07/01/1999	Germany		Yes

**EXAMINER  
INITIAL****OTHER ART – NON PATENT LITERATURE DOCUMENTS**

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

A5

Heidenhain Company Brochure entitled "NC-Längenmeßsysteme" (NC Linear Measuring System), published by Heidenhain, September, 1998, pp. 58-59.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.